

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)
THURSDAY, THE SEVENTEENTH DAY OF JUNE
TWO THOUSAND AND FOUR
PRESENT
THE HON'BLE MR JUSTICE N.V. RAMANA
WRIT PETITION NO : 9738 of 2004

Between:

P.Kiran kumar S/o. P.Sampath
Lenora College of Engineering Rampachodavaram, East Godavari
District.

..... PETITIONER

AND

- 1 The Principal, Lenora College of Engineering Rampachodavaram
East Godavari District.
 - 2 The Registrar, Jawaharlal Nehru Technology University, Hyderabad.
- RESPONDENT(S)**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ order or direction more particularly one in the nature of writ of Mandamus or any other appropriate writ, order or direction by declaring the impugned letter dated 5-4-2004 by detaining the petitioner herein in III year B.Tech.II Semester is highly arbitrary, illegal void and the same is liable to be set aside consequently direct the respondents herein to promote the petitioner herein into the IV year B.Tech.I Semester in the 1st respondents college in the interest of Justice and equity and pass such other order or orders.

For the Petitioner: MR.I.LAXMIKANTHA RAO, Advocate

For the Respondent No.2: Mr. C.Kodandaram, SC for JNTU

The Court at the stage of admission made the following Order:

-
-
-
-
-
-

-
-
-
-
-
-
-

W.P. No. 9738 of 2004

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondent-University.

Assailing the proceedings dated 5-4-2004, issued by respondent No.1-College, detaining the petitioner in the semester in which he is studying for not having the required percentage of attendance, the present writ petition is filed.

The petitioner is studying II semester of B.Tech III year. It is his case that he could not attend the classes of II semester of B.Tech III year as he fell ill, and that though he submitted a representation, supported by a medical certificate for his non-attendance, yet respondent No.1 has issued the impugned proceedings, intimating the petitioner of his ineligibility to appear for the exams on the ground of shortage of attendance and detaining him in the same semester.

A reading of the impugned proceedings would disclose that the petitioner has not even put a single day's attendance. As per Regulation 5 of the Revised Academic Regulations for B.Tech (Regular) Four Year Degree Course, a student who has put in a minimum of 75% of attendance in aggregate of all the subjects for acquiring credits in each semester, and shortage of attendance below 65% in aggregate shall in no case be condoned. The petitioner leave alone having 65% attendance, has not even put in a single day's attendance in II Semester of III year of B.Tech. Therefore, no exception can be taken to the impugned proceedings issued by respondent No.1 detaining the petitioner in II semester of III year of B.Tech for lack of attendance. A reference in this

context be made to a judgment of this Court in **V. Prashanth Kumar v. Jawaharlal Nehru Technological University**^[1] wherein a learned single Judge of this Court while interpreting Regulation 5, refused to condone the shortage of attendance, and held thus:

It is well settled that the Regulations for a course have to be strictly interpreted. This is especially in relation to attendance. Regulation 5 requires 75% attendance and empowers condonation of shortage of attendance by the College Academic Committee in aggregate upto 10%. In other words, a student who has put in minimum of 65% of attendance on a proper application being made and paying the necessary fee can be allowed for sitting the examination. If the attendance falls below 65%, no such indulgence can be shown. **When the statutory power does not empower condonation, any writ of mandamus directing the authorities to permit the petitioner to appear for examination notwithstanding the fact that he did not put in minimum 65% would amount to issuance of mandamus contrary to law. It also amounts to directing the authorities to act contrary to law. Such a writ cannot be issued.**

(emphasis supplied)

In the above view of the matter, no relief as prayed for by the petitioner can be granted. The writ petition has no merit, and the same is accordingly dismissed. No costs.

Date: June 17, 2004.

KSR

^[1] 2003 (4) ALD 553

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

- 1 The Principal, Lenora College of Engineering Rampachodavaram
East Godavari District.
- 2 The Registrar, Jawaharlal Nehru Technology University, Hyderabad.
3. 2CD copies